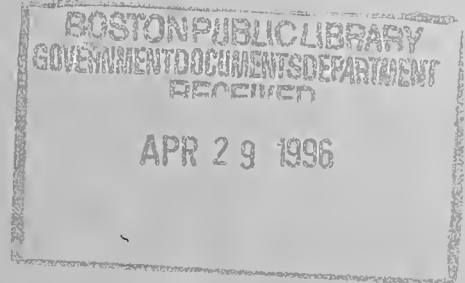


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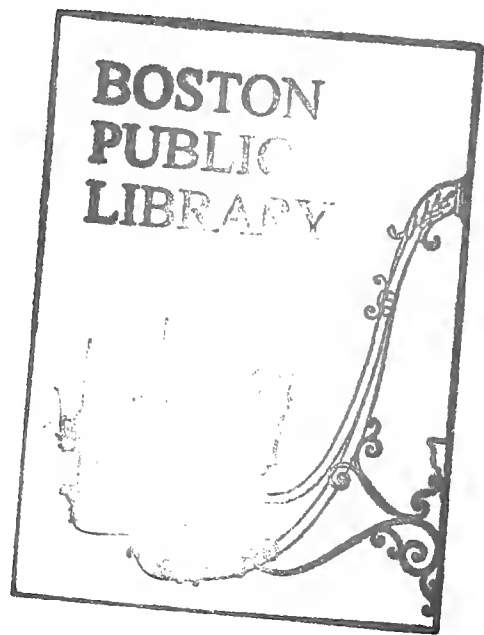
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BOSTON REDEVELOPMENT AUTHORITY HANDBOOK

STAFF REVIEW OF CHAPTER 121A PROPOSALS



BOSTON REDEVELOPMENT AUTHORITY HANDBOOK

STAFF REVIEW OF CHAPTER 121A PROPOSALS

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121A Review Procedures

I. Planning

A. Letter of Interest

At the earliest possible stage potential 121A applicants are advised to submit a letter of interest to the BRA as the local planning agency. Letters should be directed to the Director of the Authority.

1. Timing

Letters of interest should be filed prior to application to MHFA, HUD or conventional lenders for financing and before detailed design drawings are made.

2. Content

The letter of interest should describe the location and the nature and extent of the proposed project, including the cost and economic impact of the proposal.

3. Evaluation

The proposed project will be reviewed on the basis of whether it meets the planning and development objectives of the City, whether it meets the purpose and intentions of Chapter 121A, whether it will be a benefit to the neighborhood. Costs to the City will also be considered, as well as any other considerations the Director deems appropriate.

4. Approval for Submission

If the Director finds that the proposal merits 121A consideration, the Applicant will be notified and will be asked to come in for a conference with the coordinator. If this preliminary approval is not given, the process will not go any further.

B. Conference

Potential Applicant meets with 121A coordinator for preliminary discussions. Is given "Instruction Kit" for 121A Applications, which includes:

1. Authority Rules and Regulations
2. Checklist of what must be submitted.
3. These BRA procedures.
4. Guidelines governing 6A Contract terms.
5. General Description of Ch. 121A.
6. MEPA Regulations, ENF, and Summary Guidelines
7. List of BRA Review Team members.
8. Model 6A contract.
9. Model Regulatory Agreement
10. BRA studies affecting proposed project area.

Coordinator notifies Planning Team of Developer's Inquiry, sets file and tracking sheet (sample 1).

II. Preliminary Staff Review of Application

The purpose of this stage is to insure that the proposed project qualifies for 121A consideration, that all material needed for review is given by the Applicant, and that all the information given is accurate.

- A. Applicant submits the following to the 121A coordinator, as provided in the Instruction Kit.

For Staff Review:

1. Fact Sheet - One page summary of Project (15 copies (sample 2)).
2. Draft of Application (2 copies) - content and format defined in Rules and Regulations.
3. Statement of Neighborhood Impact. (5 copies)
 - a. effect of elimination of blight
 - b. economic impact jobs created
 - c. traffic and parking impact

- d. plan for contact with community including Little City Hall, abutters, neighborhood groups
 - e. whether this project supports or will stimulate other neighborhood investment
 - f. a cost/benefit analysis to include a discussion of any increase in tax revenue to the City resulting from this Project.
4. Zoning Deviations Requested (5 copies)
 5. Environmental Forms (ENF) (5 copies)
 6. Relocation Plan (5 copies)
 7. Site Plans showing the Project Area and the approximate location of structures and facilities to be constructed. (5 copies)
 8. Drawings showing the buildings and other improvements to be constructed in a form adequate to show the nature and extent of the project, including elevations, floor plans, and elevations of the surrounding area (3 copies)
 9. Outline Specifications showing generally the character and quality of the construction to be employed (1 copy)
 10. If FHA or some other form of government insurance is used in the project a copy of the application and the conditional or firm commitment must be included if available (5 copies)
 11. If FHA insurance is being used, the applicant must include a copy of a letter from a recognized lender setting forth the amounts, terms, and conditions of financing (5 copies)
 12. If conventional financing is being used the applicant must submit a copy of a letter from the lender setting forth the terms and conditions of financing (5 copies)

B. Coordinator

1. Calls short meeting of Review Team sets up presentation date and distributes First Notice Memo (Sample 3) and other material as follows:

a. Neighborhood Planning

- (1) Fact Sheet (2 copies)
- (2) Statement of Neighborhood Impact
- (3) Site Plan
- (4) ENF
- (5) Zoning Deviations
- (6) Building Plans

Neighborhood Planning will notify the appropriate Little City Hall.

b. Design

- (1) Fact Sheet
- (2) Building Plans Showing Elevations
- (3) Site Plan
- (4) Zoning Deviations
- (5) Outline Specifications

c. Development

- (1) Fact Sheet (2 copies)
- (2) FHA Form 2013
- (3) Letters of financial and insurance commitment
- (4) Draft of 6A contract

Development will notify the Mayor's Ad Hoc Committee on Taxation and other appropriate City agencies.

d. Relocation

- (1) Fact Sheet
- (2) Relocation Plan

e. Legal

- (1) Fact Sheet
- (2) Application

f. Zoning

- (1) Fact Sheet (3 copies)
- (2) Zoning Deviations
- (3) Building Plans
- (4) Site Plans

Zoning will notify the Back Bay Architectural Commission or the Beacon Hill Architectural Commission, if appropriate.

g. Environmental Review

- (1) Fact Sheet (4 copies)
- (2) ENF
- (3) Statement of Neighborhood Impact
- (4) Site Plan

Environment will notify Historic Preservation, the Landmarks Commission and the Conservation Commission.

h. Transportation

- (1) Fact Sheet
- (2) Statement of Neighborhood Impact
- (3) Site Plans
- (4) ENF
- (5) Zoning Deviations

C. Review Team

1. Visits to site (optional)
2. Contacts Coordinator with questions, requests for additional information, problems.
3. Sends coordinator copies of correspondence or additional information received, and vice versa.
4. In house meeting prior to meeting with applicant (optional).

D. Presentation by Applicant to Review Team

1. Coordinator sets up meeting with Applicant for presentation.
2. Discussion
3. Additional information exchanged.
4. Technical assistance provided to Applicant

E. Preliminary Reports

After a reasonable time the Review Team will send preliminary reports to the coordinator with approval for submission to the Authority. Each department is required to sign off as follows:

1. Urban Design must have approved the plans,
2. Legal must determine that the application is legally sufficient,

3. All departments certify that the information provided is complete and accurate.

F. Terms of 6A Contract

1. Development responsible for negotiating final terms. Discussions will involve:
 - (a) Legal
 - (b) Tax Committee
 - (c) Applicant
2. Letter signed by Tax Committee and sent to Coordinator.

III. Formal Submission

Applications will be formally submitted to the Authority only after the information in the Application is complete, initial corrections or changes have been made, and the Staff has had a reasonable time for its review. Such reasonable time is to be not less than 10 working days, not more than 30 days.

- A. When Final Application and fee is submitted the Coordinator submits the following to the Secretary of the Authority:
 1. Final Application (15 copies)
 2. Approved Building Drawings, Site Plan and Outline Specifications
 3. Applicant's check for filing fee (\$1,000)
 4. Tax Letter if available
- B. The Friday before the next scheduled Board Meeting the Coordinator submits the following to the Director's Office:
 1. Board Memo requesting a public hearing. (Sample 4.) The hearing date suggested must take into account the fact that the legal notice must be published at least 10 days prior to the public hearing.
 2. Final Fact Sheet.
 3. Summary of Review Team comments, outlining any particular problems or background.

IV. Public Hearing

- A. The Authority schedules the Public Hearing and votes to authorize the Secretary to publish notice of the hearing.
- B. The Director's office sends the "Board Approved" memo back to the Coordinator.
- C. The Coordinator
 - 1. Drafts the "Legal Notice" (Sample 5) and sends it to the Assistant Executive Director for publication in accordance with the Rules and Regulations, Rule 4.
 - (a) Legal Notices are picked up by the newspaper(s) and published 10 days before the meeting.
 - (b) Evidence of Publication is sent to the Assistant Executive Director; one copy is returned to the Coordinator.
 - (c) The Coordinator sends a Notice of Hearing/Final Report (Sample 6) to the Review Team.
 - (d) The Coordinator drafts an Opening Statement (Sample 7) and submits it and a Fact Sheet to the Director the Friday before the hearing is scheduled. The Tax Committee letter is also submitted at this time, if it has not been submitted earlier.
- D. The Secretary's Office notifies the following of the public hearing as provided in Authority Rules and Regulations.
 - 1. The Secretary of State
 - 2. Abutters
 - 3. The Applicant
 - 4. City Clerk's Office for posting of notice.
 - 5. The Attorney General (as required by Ch. 781 of the Acts of 1972 governing public hearings considering the environmental impact of a project.)
 - 6. Other interested parties.
- E. The Public Hearing is held. Procedures outlined in Authority Rules and Regulations are followed.

V. Amendments (Post-hearing, pre-Report and Decision)

- A. If the Applicant submits changes to the application or additional information after the Public Hearing, copies should be sent to:
 - 1. The Coordinator
 - 2. The Secretary of the Authority
 - 3. Review Team members
- B. The Coordinator will contact the Chief General Counsel to determine if the amendment is minor or major in nature.
- C. If it is determined to be minor in nature no further action is necessary after the information is distributed, unless the staff finds there are problems created by the minor amendment.
- D. If it is determined to be a major amendment, a new public hearing must be scheduled. Procedures described above are followed.

VI. Final Staff Report

The Review Team members send their Final Report to the Coordinator with their general comments, recommended provisos, and appropriate recommendations in the area their department is responsible for.

A. Neighborhood Planning

- 1. Neighborhood Planning will be responsible for determining whether an area is blighted, substandard or decadent. In making their determination, they will be working with Legal and Design.
- 2. In making their determination as to whether the Project constitutes a Public Use and Benefit, Neighborhood Planning will consider the effect of elimination of blight, economic impact, the traffic and parking impact, community support or opposition, and the relationship of this Project to generating new investment or complementing or supporting other investment. Legal and Environmental Review will be contacted.

B. Zoning

The Zoning Department will be responsible for making a determination as to whether the deviations requested are necessary and appropriate and whether or not the deviations should be granted. In making their determination, they will be working with Neighborhood Planning, Urban Design, Environmental Review, Legal and Transportation.

C. Family Relocation

Family Relocation will be responsible for determining whether the Relocation Plan is feasible and meets the requirements of Chapter 79A.

D. Development

Development will be responsible for determining whether the Project is financially feasible by taking into consideration the financing terms, the terms of the 6A Contract, the projections for the cash flow of the Project, and any other financial considerations. Development will be working with Legal and the Mayor's Ad Hoc Tax Committee.

E. Urban Design

Urban Design will be responsible for the final approval of Plans and Outline Specifications at this preliminary stage. In making their determination, Zoning, Neighborhood Planning, Environmental, and Historic Preservation will be contacted.

F. Environmental Review

Environmental will be responsible for determining whether the requirements of the Massachusetts Environmental Policy Act (MEPA) are complied with, including a review of the Environmental Notification forms. Where appropriate, Historic Preservation, the Landmarks Commission, the Conservation Commission, as well as Neighborhood Planning, will be contacted.

G. Transportation

Responsible for assessing the adequacy of access, circulation and parking conditions. This will include ensuring the optimum use of public transit, good pedestrian connections, proper driveway locations, appropriate parking etc. Environmental and service aspects of traffic and the impacts on adjacent neighborhoods must be assessed. Transportation shall also coordinate the project with the Traffic Liaison Committee and if necessary the Public Improvements Commission.

H. Legal

Legal will be responsible for reviewing the application to insure that it is in compliance with the requirements of Chapter 121A.

VII. Report and Decision

- A. Coordinator sends all information to Legal for drafting of Report and Decision which incorporates recommended provisos.
- B. No later than one week later Legal submits the Report and Decision to the Coordinator.
- C. The Coordinator:
 - 1. Drafts memo requesting Authority approval of Report and Decision.
 - 2. Sends Review Team copies.
 - 3. Sends Report and Decision and Memo to the Director's Office by the Friday preceding the next Authority meeting.
- D. The Authority approves or disapproves the Report and Decision.

VIII. After Authority Approval

- A. The Report and Decision is forwarded to the Mayor's Office.
- B. The Mayor signs, returned to Authority, attested by Secretary of the Authority.
- C. Filed with City Clerk.
- D. A Certificate is issued to Developer.
- E. Developer
 - 1. Registers with Secretary of State
 - 2. Submits copies of Reports given to Commissioner of Insurance and other requirements in Rule 7 of Authority's Rules and Regulations.

TRACKING SHEET - 121A APPLICATIONS

Applicant _____
Address _____
Phone _____

Attorney _____
Address _____
Phone _____

Date Initial Interview _____
Date Notification - Review Team _____
Date Preliminary Info Received _____

- ___ Fact Sheet (15 copies)
- ___ Draft Application (2 copies)
- ___ Statement of Neighborhood Impact (5 copies)
- ___ Site Plan (5 copies)
- ___ Building Plan (3 copies)
- ___ Outline Specifications (1 copy)
- ___ Deviations (5 copies)
- ___ Relocation Plan (1 copy)
- ___ ENF (5 copies)
- ___ Financial Commitment Letters (2 copies)
- ___ FHA - HUD 2013 (2 copies)
- ___ 6A Contract Draft (2 copies)

Review Team Information and Notice:

	<u>Date Sent</u>	<u>Prelim. OK</u>
Neighborhood Planning	_____	_____
Design	_____	_____
Development	_____	_____
Relocation	_____	_____
Legal	_____	_____
Zoning	_____	_____
Environment	_____	_____
Transportation	_____	_____

Presentation to Review Team - Date: _____

Final Application Received - Date: _____

Fee Paid - Date: _____

Board Memo requesting hearing written: _____
Board Meeting: _____

Hearing Date: _____

Legal Notice Date Written: _____
Date Advertised: _____

Notice to Abutters

Review Team

Notice of Hearing
Date Sent

Final Report
Date Received

Neighborhood Planning
Design
Development
Relocation
Legal
Zoning
Environment
Transportation

Opening Statement - Date Written:

Tax Committee Letter - Date Received:

Report and Decision:

Notice to Legal

Draft Returned

To Board and Team

Date Approved:

FACT SHEET

CHAPTER 121A APPLICATION

WELD PARK ASSOCIATES

- BOARD ACTION: The Applicants have requested the Authority's consent to the formation of a 121A limited partnership for the purpose of acquiring, rehabilitating, and converting the former Weld School building in Roslindale to 14 units of housing for elderly occupants.
- APPLICANTS: The Applicant is Weld Park Associates, 68 Seymour Street, Roslindale. The General Partners are E. Denis Walsh, 302 Beacon Street, Boston, a Real Estate Developer and Irwin Nebellicoff, 304 Slocum Road, Dartmouth, Mass., a General Contractor.
- PROJECT: The building to be acquired by the Applicants, located at 156 Rowe St., is presently vacant. After rehabilitation there will be 2 efficiency units and 12 one-bedroom units for low and moderate income elderly tenants. All of the units in the proposed Project will receive rental assistance under the Section 8 program.
- FINANCING: The minimum cost of the Project is \$525,000.00. The Applicant has received a commitment for permanent financing from the South Boston Savings Bank for a 20-year first mortgage in the amount of \$330,000.00. The Applicant anticipates that this commitment will be amended to provide \$395,000.00 and a 25-year term. The balance of the cost of the Project will be borne by the 121A entity. The Applicant anticipates that a construction loan will be provided by a major Boston financial institution.
- CONSTRUCTION: The Applicant proposes acquisition and construction commencement immediately upon the initial closing of the mortgage loan. Construction will take approximately 12 months.

INTER-OFFICE COMMUNICATION

TO _____ 121A Review Team

FROM _____ Coordinator

DATE March 28, 1978

SUBJECT Proposed 121A - _____ FIRST NOTICE

The above applicant has submitted an application for the Authority's approval of a 121A Project which is described on the attached fact sheet.

The following information is attached for your review:

_____ Fact Sheet	_____ Building Plans
_____ Statement of Neighborhood Impact	_____ Relocation Plans
_____ Site Plan	_____ FHA Form 2013
_____ Environmental Forms	_____ Letters of Financial Commitment
_____ Zoning Deviations	_____ Draft of 6A Contract
_____ Full Application	_____ Other _____

If possible, we would like to request that the Authority schedule a public hearing at their meeting on April 13, 1978, (which means the hearing would be no sooner than May 1, 1978). In accordance with BRA procedures the hearing will not be scheduled until the information in the Application is complete and accurate.

Would you review this material for completeness and accuracy and either send a report or call me by April 6, 1978, with your preliminary comments? (This is a target date only; if you need more time, let me know.) If you would like a presentation by the applicants please notify me and I will make the arrangements.

Thank you.

Attachments

December 15, 1977

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT F. WALSH, DIRECTOR

SUBJECT: REQUEST FOR PUBLIC HEARING PURSUANT TO CHAPTER 121A
APPLICATION OF EXETER TOWERS ASSOCIATES

Exeter Towers Associates has submitted a 121A application for a project to be constructed on a vacant lot of approximately 17,820 square feet at the corner of Newbury and Exeter Streets in the Back Bay Section of Boston. By this application Exeter Towers Associates seeks the Authority's approval and authorization to undertake this Project pursuant to Chapter 121A as a limited partnership organized under Massachusetts General Laws, Chapter 103.

The project involves the construction of a multi-use high rise building approximately nine stories in height and containing 12,000 square feet of commercial or retail space and 93,000 square feet of residential space. (80 one-bedroom, 16 two bedroom units) The project will be financed by a mortgage loan in the amount of \$4,124,000 from the Department of Housing and Urban Development which will be insured by the Federal Housing Commissioner under Section 221(d)(4), and from equity of the Applicant.

It is therefore appropriate at this time for the application to be formally presented to the Authority and a public hearing be held. Pursuant to the "Rules and Regulations for Securing Approval of Projects in Boston under Chapter 121A of the General Laws as Amended", a public hearing may not be held until fifteen days from the date of the first publication. It is therefore requested that the Authority schedule a public hearing on this application for the next available Board Meeting after January 1, 1978, and further authorize and direct the Secretary to publish notice of said hearing.

Appropriate Votes follow:

VOTED: 1. That a public hearing on the Application of Exeter Towers Associates be held at the offices of the Boston Redevelopment Authority on , 1978 at P.M.

VOTED: 2. That the Secretary is authorized and directed to publish notice of said hearing in accordance with the "Rules and Regulations for Securing Approval of Projects in Boston under Chapter 121A of the General Laws As Amended".

121A APPLICATION

61 EATON STREET, (AREA)

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Boston Redevelopment Authority (hereinafter called the "Authority") will hold a public hearing in its Board Room on the 9th Floor of the New City Hall, Boston, Massachusetts, on February 2, 1978 at 2:00 P. M. on the 121A Application of Eaton Street Associates for the Authority's approval of an Urban Redevelopment Project to be undertaken by Eaton Street Associates.

Approval is sought for the Project pursuant to Chapter 121A of the Massachusetts General Laws, as amended, Chapter 652 of the Acts of 1960, as amended, and the applicable Rules and Regulations of the Authority. Said hearing shall include, in so far as applicable, the consideration of the Environmental Impact of the Project pursuant to Massachusetts General Laws, Chapter 30, Sections 62 through 62H, and the Rules and Regulations of the Authority.

The Project involves the construction of 162 units of housing with appurtenant facilities on the ground floor.

ADDITIONAL INFORMATION

It is anticipated that the Project will be financed by a mortgage loan from the Massachusetts Housing Finance Agency and will be subsidized with funds provided under Section 8 of the Housing and Community Development Act of 1974.

A complete description of the premises involved appears in the Application on file with the Authority. Said Application may be examined by all interested persons in the office of the Boston Redevelopment Authority, Room 910, New City Hall, during the regular business hours of the Authority, from 9:00 A. M. to 5:00 P. M., Monday through Friday.

Written comments concerning the Project are encouraged and all such comments will be incorporated into the official record of the proceedings.

BOSTON REDEVELOPMENT AUTHORITY

KANE SIMONIAN
Secretary

INTER-OFFICE COMMUNICATION

TO _____ 121A Review Team

FROM _____ Coordinator

DATE _____

SUBJECT Notice of Public Hearing - Request for Final Report
121A Application of _____At their meeting on _____ the Authority scheduled a Public
Hearing on the above 121A application for:

_____ (date)

_____ (time)

If you have comments which should be reported to the Authority before the
hearing please send them to me by _____.If not, please send your final report for the Report and Decision by
_____, or call me if you need more time.

FINAL REPORT

General Comments:

Provisos recommended for the Report and Decision:

Department Head

Date

BOSTON REDEVELOPMENT AUTHORITY PUBLIC HEARING
ON THE REQUEST FOR THE FORMATION OF A
121A LIMITED PARTNERSHIP
SCHOOL HOUSE '77 ASSOCIATES

THE CHAIRMAN: Members of the Authority and ladies and gentlemen
This is a public hearing being held by the Boston Redevelopment Authority pursuant to Chapter 121A of the Massachusetts General Laws, as amended, and Chapter 652 of the Acts of 1960, on an Application filed by School House '77 Corp., Denis A. Blackett, President and Cummings St. Corp., John B. Cruz, III, President as General Partner for authorization of a Project under said Chapter and for consent by the Authority to the formation of School House '77 Associates to be organized by the Applicants under said Chapter 121A for the purpose of undertaking and carrying out the Project. The Environmental Impact of this Project pursuant to Massachusetts General Laws, Chapter 30, Sections 61 and 62, will also be considered at this hearing.

The Authority shall not entertain or consider at this public hearing any evidence, opinion, or views not relating to the formation of School House '77 Associates or regarding any program or project which is outside the area here involved.

The Project Area consists of the following four locations:

Dillaway School
Kenilworth Street
Roxbury

Berger Instrument Factory
37 Williams Street
Roxbury

William L. Garrison School
20 Hutchings Street
Roxbury

Lowell Mason School
610 Cummings Highway
Mattapan

and is more specifically described in the public notice of this hearing.

Notice of this hearing has been given in accordance with applicable statutes and rules and regulations and orders of this Authority.

All statements from the floor shall be directed to the members of the Authority. No person shall be permitted to speak, however, unless and until recognized by the Chair. Once recognized by the Chair, such person shall state clearly his name and address and that of any individual or group, if any, that he or she represents.

First, the Applicants and any other persons in support of the Application will be heard. Following that, we shall hear from those persons who wish to speak in opposition to the proposal before the Authority. Then, if necessary, there will be a short period in which evidence or argument in rebuttal may be presented.

The Authority wishes to insure that this public hearing will be conducted in a fair and orderly fashion in order that those persons who are directly affected by this proposal will have adequate opportunity to express their views and opinions.

We will now hear the Applicants.

APPROXIMATE TIMETABLE FOR THE REVIEW OF A 121A APPLICATION

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15
<u>LETTER OF INTEREST</u>															
<u>PLANNING</u>															
Applicant meets with coordinator	x														
Applicant develops required materials															
<u>PRELIMINARY REVIEW</u>															
Applicant submits material for staff review			x												
Staff review (10-15 days)															
<u>FORMAL SUBMISSION</u>															
Final materials submitted to Authority.								x							
Authority schedules public hearing.										x					
<u>PUBLIC HEARING</u>															
Notice															
Public Hearing															
<u>STAFF FINAL REPORT</u>															
<u>REPORT & DECISION</u>															
Drafted															
Approved by Authority															

X

